

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

**EQUAL EMPLOYMENT OPPORTUNITY
COMMISSION,**

Applicant,

Y.

DOLGENCORP,

Respondent.

CIVIL ACTION NO.
1:07-cv-06672

DECLARATION OF JENNIFER GINGERY COOK

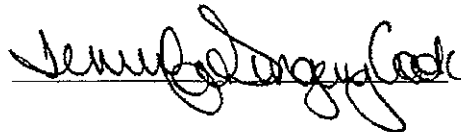
I, Jennifer Gingery Cook, declare and state as follows:

1. I have personal knowledge of and am competent to testify as to the matters set forth herein.
2. I am employed as a Sr. Employment Attorney for Dollar General, and my office is located at 100 Mission Ridge, Goodlettsville, Tennessee 37072. I have been employed in this capacity since July 2004. My responsibilities include supervision of the Company's response to agency charges, such as the EEOC charge filed by Regina Fields-Herring.
3. The information contained herein supplements that information provided by me to the Court in an Affidavit dated April 3, 2006, which is incorporated herein, and attached hereto as Exhibit D.
4. To date, in response to the charge filed by Fields-Herring, the Company has provided the following information to the EEOC: (a) Position Statement with

attachments, including Charging Party's application, job description and criminal background check result (A true and correct copy of the Position Statement with attachments is attached hereto as Exhibit A); (b) Criminal background check results for all employees at the Waukegan, Illinois location between July 1, 2004 and December 31, 2004 (True and correct copies of these background check reports are attached hereto as Exhibit B); (c) Dollar General's criminal background check matrix; (d) Employment applications for the Waukegan, Illinois store for July 1, 2004 through December 31, 2004; and (e) a list of employees at the Waukegan, Illinois location, and this list includes the race of each employee. (A true and correct copy of that list is attached hereto as Exhibit C).

5. Attached hereto as Exhibit E is a true and correct copy of a letter I wrote to Diane Smason on or about August 10, 2007.

I declare under penalty of perjury of the laws of the United States of America that the foregoing is true and correct. Executed this 22nd day of January, 2008.

A handwritten signature in cursive script, appearing to read "Jennifer Longy Cook", written over a horizontal line.

[REDACTED]

[REDACTED]

[REDACTED]



3
7
1

7



JAN-05-2005 10:23AM FROM-LAW DEPARTMENT

6158355154

T-096 P.006/012 F-683

EEOC Form 9 (5/01)

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency (ies) Charge No(s):

☐ FERA
☒ EEOC

210-2005-00403

Illinois Department Of Human Rights

State or local Agency, if any

Home Phone No. (incl Area Code)
(847) 269-9789Date of Birth
06-24-1964

Name (Indicate Mr., Ms., Mx.)

Ms. Regina Fields-Herring

City, State and ZIP Code

Street Address

814 Poplar

Waukegan, IL 60085

Named in the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

DOLLAR GENERAL CORPORATION

No. Employees, Members
201 - 500Phone No. (include Area Code)
(847) 791-7944

Street Address

2456 Sheridan Road

City, State and ZIP Code
Zion, IL 60089

Name

Street Address

DISCRIMINATION BASED ON (Check appropriate box(es))

☒ RACE ☐ COLOR ☐ SEX ☐ RELIGION ☐ NATIONAL ORIGIN
☐ RETALIATION ☐ AGE ☐ DISABILITY ☐ OTHER (Specify below)
DATE(S) DISCRIMINATION TOOK PLACE
Earliest .. Latest

09-23-2004

09-23-2004

☐ CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s))

I interviewed for a position with Respondent on or about September 20, 2004. I began employment with Respondent on September 21, 2004 as a Stocker/Cashier. At the time I was hired, I informed Respondent that I had a felony conviction. On September 23, 2004, Respondent informed me that I was terminated because of the felony conviction.

I believe I have been discriminated against because of my race, Black, in violation of Title VII of the Civil Rights Act of 1964, as amended.

RECEIVED EEOC

OCT 2 2004

CHICAGO DISTRICT OFFICE

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.
SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)

10-28-04 Regina Fields-Herring
Date Charging Party Signature

EXHIBIT

B

2004 Dollar General Employee Handbook

Anti-Discrimination and Harassment Policy

All Dollar General employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive. Dollar General values and respects the rights and dignity of each person and will not tolerate discrimination or harassment based on race, color, religion, sex (including pregnancy, child birth and related conditions), national origin, age, disability, citizenship or any other characteristic protected by law. All employees should, therefore, be aware of the following:

Discrimination

- Discrimination on the basis of race, color, religion, sex (including pregnancy, child birth and related conditions), national origin, age, disability, citizenship status or any other characteristic protected by law is strictly prohibited. This includes, but is not limited to the following: hiring, placement, upgrading, transfer, demotion or promotion, treatment during employment, rates of pay or other forms of compensation, benefits, layoff or discharge, recruitment or solicitation of employment and all other terms and conditions of employment.
- Harassment on the basis of any protected characteristic is also strictly prohibited. Under this policy, harassment is speaking to or treating an employee in a way that is degrading or in a way that exhibits dislike for, hostility or hatred toward, an individual (or that of his/her relatives, friends or associates) because of race, color, religion, sex (including pregnancy, child birth and related conditions), national origin, age, disability, citizenship or any other characteristic protected by law.

2004 Dollar General Employee Handbook

Sexual Harassment

- Sexual harassment in any situation is strictly prohibited. This includes sexual harassment by managers, supervisors, co-workers, or third parties such as vendors or customers. It is particularly damaging when it exploits the interdependence and trust between employees or between supervisors and their employees.
- An individual found to be guilty of sexual harassment, creating a hostile work environment or any other form of discrimination is subject to disciplinary action for violations of this policy, up to and including termination from the Company. Accordingly, it is the Company's intention that this policy go beyond the legal requirements and includes conduct we otherwise believe to be inappropriate.

Non-employees of Dollar General

Dollar General applies its Anti-Discrimination and Harassment Policy to its vendors and customers. Dollar General will not tolerate unlawful discrimination by or against non-employees of Dollar General. Dollar General will provide reasonable accommodation for its disabled customers as required by law (e.g. allowing disabled customers to shop with service animals).

Retaliation

Dollar General prohibits retaliation against an employee who has made a report of alleged discrimination or harassment or who has participated in certain investigations or administrative proceedings. Examples of conduct prohibited by this policy include, but are not limited to:

- Offering or implying an employment related reward (such as a promotion or raise) in exchange for sexual favors or submission to sexual conduct
- Threatening or taking of a negative employment action (such as termination, demotion, or denial of a leave of absence) if sexual conduct is rejected
- Unwelcome sexual advances or repeated flirtations
- Unwelcome intentional touching of another person or other unwanted intentional physical contact (including patting, pinching, or brushing against another person's body)
- Unwelcome whistling, staring or leering at another person
- Asking unwelcome questions or making unwelcome comments about other person's sexual activities, dating, personal or intimate relationships, or appearance

2004 Dollar General Employee Handbook

- Unwelcome sexually suggestive or flirtatious gifts, letters, notes, e-mail or voicemail
- Conduct or remarks that are sexually suggestive or that demean or show hostility to a person because of a protected characteristic (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, blocking of physical movement)
- Displaying or circulating pictures, objects or written materials (including graffiti, cartoons, photographs, pinups, calendars, magazines, figurines or novelty items) that are sexually suggestive or that demean or show hostility to a person because of a protected characteristic

These guidelines also apply to other forms of unlawful harassment, including conduct based on race, national origin, etc.

Zero Tolerance

An individual who is believed by the Company to have engaged in conduct that violates this policy is subject to disciplinary action up to and including termination from the Company. Accordingly, it is the Company's intention that this policy go beyond the legal requirements and includes conduct we otherwise believe to be inappropriate.

Reporting Harassment and Discrimination

- Any employee who believes that he/she has been the subject of any form of harassment or discrimination by anyone at Dollar General or by any person who does business with Dollar General or who has witnessed harassment, discrimination or retaliation should immediately report the matter to the **Employee Response Center (ERC), at 1-888-237-4114.**
- In all cases, an investigation will be conducted. The investigation will be conducted on a confidential basis; sensitive information will be disclosed on a need-to-know basis. There will be no retaliation against any employee who reports such conduct or participates in the investigation in good faith. Any attempt to interfere with an investigation or retaliate against an employee for reporting conduct or participation in an investigation will result in immediate termination.

EXHIBIT

C

Dollar General Anti-Discrimination and Harassment Policy

3	9	66	1941
---	---	----	------

 Social Security Number

All Dollar General employees have the right to work in an environment free from all forms of discrimination and conduct which can be considered harassing, coercive or disruptive. Dollar General values and respects the rights and dignity of each person and will not tolerate discrimination or harassment based on race, color, religion, sex (including pregnancy, child birth and related conditions), national origin, age, disability, citizenship or any other characteristic protected by law. All employees should, therefore, be aware of the following:

Discrimination

Discrimination on the basis of race, color, religion, sex (including pregnancy, child birth and related conditions), national origin, age, disability, citizenship status or any other characteristic protected by law is strictly prohibited. This includes, but is not limited to the following: hiring, placement, upgrading, transfer, demotion or promotion, treatment during employment, rates of pay or other forms of compensation, benefits, layoff or discharge, recruitment or solicitation of employment and all other terms and conditions of employment.

Harassment on the basis of any protected characteristic is also strictly prohibited. Under this policy, harassment is speaking to or treating an employee in a way that is degrading or in a way that exhibits dislike for, hostility or hatred toward, an individual (or that of his/her relatives, friends or associates) because of race, color, religion, sex (including pregnancy, child birth and related conditions), national origin, age, disability, citizenship or any other characteristic protected by law.

Sexual Harassment

Sexual harassment in any situation is strictly prohibited. This includes sexual harassment by managers, supervisors, co-workers, or third parties such as vendors or customers. It is particularly damaging when it exploits the interdependence and trust between employees or between supervisors and their employees.

Non-employees of Dollar General

Dollar General applies its Anti-Discrimination and Harassment Policy to its vendors and customers. Dollar General will not tolerate unlawful discrimination by or against non-employees of Dollar General. Dollar General will provide reasonable accommodation for its disabled customers as required by law (e.g., allowing disabled customers to shop with service animals).

Examples of conduct prohibited by this Policy include, but are not limited to:

- Offering or implying an employment related reward (such as a promotion or raise) in exchange for sexual favors or submission to sexual conduct
- Threatening or taking of a negative employment action (such as termination, demotion, or denial of a leave of absence) if sexual conduct is rejected
- Unwelcome sexual advances or repeated flirtations
- Unwelcome intentional touching of another person or other unwanted intentional physical contact (including patting, pinching, or brushing against another person's body)
- Unwelcome whistling, staring, or leering at another person
- Asking unwelcome questions or making unwelcome comments about other person's sexual activities, dating, personal or intimate relationships, or appearance
- Unwelcome sexually suggestive or flirtatious gifts, letters, notes, e-mail, or voicemail
- Conduct or remarks that are sexually suggestive or that demean or show dislike for a person or class of persons because of gender (including jokes, pranks, teasing, obscenities, obscene or rude gestures or noises, slurs, epithets, taunts, negative stereotyping, threats, blocking of physical movement)
- Displaying or circulating pictures, objects, or written materials (including graffiti, cartoons, photographs, pinups, calendars, magazines, figurines or novelty items) that are sexually suggestive or that demean or show hostility to a person because of a protected characteristic

These guidelines also apply to other forms of unlawful harassment, including conduct based on race, national origin, etc.

Zero Tolerance

An individual found to be guilty of sexual harassment, creating a hostile work environment or any other form of discrimination is subject to disciplinary action for violations of this policy, up to and including termination from the Company. Accordingly, it is the Company's intention that this policy go beyond the legal requirements and includes conduct we otherwise believe to be inappropriate.

Retaliation

Dollar General prohibits retaliation against an employee who has made a report of alleged discrimination or harassment or who has participated in certain, investigations or administrative proceedings.

Reporting Harassment and Discrimination

Any employee who believes that he/she has been the subject of any form of harassment or discrimination by anyone at Dollar General or by any person who does business with Dollar General or who has witnessed harassment, discrimination or retaliation should immediately report the matter to the Employee Response Center (ERC) at 1-888-237-4114.

In all cases, an investigation will be conducted. The investigation will be conducted on a confidential basis; sensitive information will be disclosed on a need-to-know basis. There will be no retaliation against any employee who reports such conduct or participates in the investigation in good faith. Any attempt to interfere with an investigation or retaliate against an employee for reporting conduct or participation in an investigation will result in immediate termination.

I have received Dollar General's Anti-Discrimination and Harassment Policy.

I understand and am fully aware that Dollar General is committed to a work environment free from discrimination and harassment. I understand that if I feel I have been the victim of discrimination, retaliation or harassment, I should immediately report the incident to the Employee Response Center without fear of retaliation or any adverse employment action. I understand that Dollar General's Anti-Discrimination and Harassment Policy and the number for reporting discrimination or harassment can be located on this policy, in my employee handbook and on the Federal and State posters found in the break room, stock room or service center.

x Regina Herring
EMPLOYEE SIGNATURE

9-17-04
DATE

White=HR

Yellow=Employee

22 Return to HR

EXHIBIT

D

RESOLVING

EMPLOYEE

DISPUTES

The Dollar General Dispute
Resolution Process



Dollar General Corporation





DOLLAR GENERAL JOB DESCRIPTION

FLSA: Hourly

Date: 2-2003

JOB TITLE: Store Clerk

DEPARTMENT: Store Operations

REPORTS TO: Store Manager/Assistant Store Manager

SUPERVISES: None

GENERAL SUMMARY

Act as the point of contact for customers. Assist in setting and maintaining plan-o-grams and programs. Stock merchandise adequately. Perform other duties as necessary to maximize profitability, customer satisfaction, and teamwork, while protecting company assets.

DUTIES and ESSENTIAL JOB FUNCTIONS

- Unload trucks.
- Follow company work processes to receive, open and unpack cartons and totes; store merchandise in stock room or move directly to sales floor.
- Build merchandise displays.
- Stock merchandise; rotate and face merchandise on shelves.
- Restock recovered merchandise.
- Assist customers by locating merchandise.
- Bail cardboard and take out trash; dust and mop store floors; clean restroom and stockroom.
- Comply with company policies and procedures.
- Greet customers.
- Operate cash register and flatbed scanner to itemize and total customer's purchase; bag merchandise.
- Collect payment from customer and make change.
- Assist with ordering merchandise using hand-held scanners, as needed.
- Clean front end of store and help set up sidewalk displays when necessary.

KNOWLEDGE and SKILLS

- Effective Interpersonal and oral communication skills.
- Understanding of safety policies and practices.
- Ability to read and follow plan-o-gram and merchandise presentation guidance.
- Knowledge of basic cash handling procedures.
- Basic mathematical skills.
- Ability to perform IBM cash register functions.
- Effective interpersonal and oral communication skills.
- Understanding of safety policies and practices.

(Store Clerk continued)

WORK EXPERIENCE and/or EDUCATION:

High school diploma or equivalent preferred.

COMPETENCIES:

- Aligns motives, values and beliefs with Dollar General values.
- Works as a team player and recognizes that his/her actions directly impact store performance.
- Demonstrates responsiveness and sensitivity to customer needs.
- Performs all cash register functions efficiently and accurately.
- Stocks and maintains merchandise in store, adequately and safely.
- Maintains an orderly, clean and safe store.

WORKING CONDITIONS and PHYSICAL REQUIREMENTS:

- Frequent walking and standing.
- Frequent bending, stooping and kneeling to run check out station, stock merchandise and unload trucks.
- Frequent handling of merchandise and equipment such as hand-held scanners, pricing guns, box cutters, merchandise containers, two-wheel dollies, and U-boats (six-wheel carts).
- Frequent and proper lifting of up to 40 pounds; occasional lifting of up to 55 pounds.
- Occasional climbing (using ladder).
- Fast-paced environment; moderate noise level.
- Occasionally exposed to outside weather conditions.

This job description presents an overview of the responsibilities for the above described position. It does not intend to represent a complete list of all duties and responsibilities. An employee should perform all duties as assigned by his/her supervisor.

EXHIBIT

F

Dollar General Application for Employment



Complete all areas of the application. An incomplete or inaccurate application may delay consideration for employment.

Personal Information

Today's date: 9-16-04 Social Security No.: _____ Home Phone: 847-263-9769
 Full name: Regina Herring Other Phone: 224-627-7583
 Present Address: 914 Poplar WGN IL 60085
 Street City State Zip Code

Have you ever worked for Dollar General? ☐ Yes ☒ No Where: _____ When: _____

Do you have any relatives employed by Dollar General? ☐ Yes ☒ No

Have you ever been convicted of a crime (Other than a minor traffic violation?) ☒ Yes ☐ No

Please explain Will explain on interview

Candidates who select yes are not automatically disqualified from consideration for employment.

Employment Desired

Position(s) desired: Cashier "Stock" Display's Any Pay Expected: 8⁰⁰

Are you legally authorized to work in the United States? ☒ Yes ☐ No When will you be available to begin work? _____

Will you now or in the future require sponsorship for employment visa status (e.g., H-1B visa status)? ☒ Yes ☐ No

Are you available to work (check one): ☒ Part-time ☒ Full time

When are you available to work (check all that apply)? ☒ Morning ☒ Afternoon ☒ Evening ☒ Weekends

Work History

List below all current and past employment, beginning with your most recent.

1	Company Name <u>Bills Discount</u>	Telephone ()
	Address <u>harlem DR, Lil rock Arkansas</u>	Employed - Month/Year From: <u>99</u> To: <u>03</u>
	Name of Supervisor <u>DAVE</u>	Pay Rate Start: <u>7.00</u> Last: <u>7.25</u>
	State Job Title and Describe Your Work <u>Cashier, Stock, help clean store</u>	Reason for Leaving <u>Moved</u>

2	Company Name <u>Home-Maker</u>	Telephone ()
	Address <u></u>	Employed - Month/Year From: _____ To: _____
	Name of Supervisor <u></u>	Pay Rate Start: _____ Last: _____
	State Job Title and Describe Your Work <u></u>	Reason for Leaving <u></u>

3	Company Name <u></u>	Telephone ()
	Address <u></u>	Employed - Month/Year From: _____ To: _____
	Name of Supervisor <u></u>	Pay Rate Start: _____ Last: _____
	State Job Title and Describe Your Work <u></u>	Reason for Leaving <u></u>

4	Company Name <u></u>	Telephone ()
	Address <u></u>	Employed - Month/Year From: _____ To: _____
	Name of Supervisor <u></u>	Pay Rate Start: _____ Last: _____
	State Job Title and Describe Your Work <u></u>	Reason for Leaving <u></u>

May we contact the employers listed above? YES If not, indicate by # which one(s) you do not wish us to contact. _____

An Equal Opportunity Employer

Dollar General does not discriminate on the basis of race, sex (including pregnancy, childbirth and related medical conditions), religion, color, age, national origin, disability, citizenship status or any other characteristic protected by law.

Dollar General Application for Employment



Education

School	Name and Location of School	Course of Study	Circle last grade completed	Did you graduate?	Degree or Diploma
Elementary	North School	BASIC	5 6 7 8	Y N	
High School	N.C. CHS. 1717 17th St	BASIC	9 10 11 12	Y N	
Vocational or Business			1 2 3 4	Y N	
College			1 2 3 4	Y N	
Graduate			1 2 3 4	Y N	
Other (Specify)			1 2 3 4	Y N	

Specify professional designations, certifications, licenses or registrations held related to the job(s) applied for:

Issued in what state? N/A

Expiration Date: _____

Check area(s) in which you are skilled:

- ☐ Typing speed _____ wpm
 ☐ 10-Key _____ kpm
 ☐ Adding Machine
 ☐ Fork Lift
 ☐ Electric Pallet Jack
☐ Computer
☐ Calculator
☒ Cash Register
☐ RF Scanning Unit
☐ Software (list programs) _____

Data processing or accounting positions - Please indicate specialty: _____

Other skills which would help determine qualifications for employment: _____

Work References (include current and accurate contact information for work (not personal) references.)

Name: Angela Gates Phone: 224-627-7583 Years Acquainted: 8
 Address: 110. Chgo IL Occupation: HAIR STYLIST
 Name: Charles Plaines Phone: 847-662-2809 Years Acquainted: 10
 Address: Genesee St WILKIN Occupation: PRIVATE Investigator
 Name: _____ Phone: _____ Years Acquainted: _____
 Address: _____ Occupation: _____

Agreement

I certify that all information furnished on this application and during the application process is true, complete and correct to the best of my knowledge. I understand that misrepresentations, or omissions of facts called for, are cause for refusal to hire or for dismissal at any time without any previous notice. I authorize the investigation of all matters contained in this application, and hereby give Dollar General permission to contact schools, previous employers, references, and others, and hereby release Dollar General and those it contacts from any liability as a result of such contact.

I understand that this application will remain active for a 90 day period. After that time, if I desire further consideration, I will renew my application in person or by mail.

Hiring is conditional upon, among other things, employee submitting proof of identification and work eligibility in accordance with the Immigration Reform and Control Act.

I agree to be bound by and accept as a condition of employment to utilize Dollar General's internal processes for resolving employee disputes, including options offered through Alternative Dispute Resolution, as a last step before seeking outside legal assistance.

In connection with my application for employment, I authorize Dollar General and its respective agents to solicit information about my background, including, but not limited to, information as to my employment, education, consumer credit history, military services, driving record, criminal record and/or public records history. I authorize all persons who may have information relevant to this investigation to disclose said information. I release from liability all persons, companies, governmental or other agencies and corporations disclosing such information. I hereby further authorize that a photocopy of this authorization may be considered as an original.

I AUTHORIZE, WITHOUT RESERVATION, ANY PERSON, AGENCY OR OTHER ENTITY CONTACTED BY DOLLAR GENERAL TO FURNISH THE ABOVE MENTIONED INFORMATION.

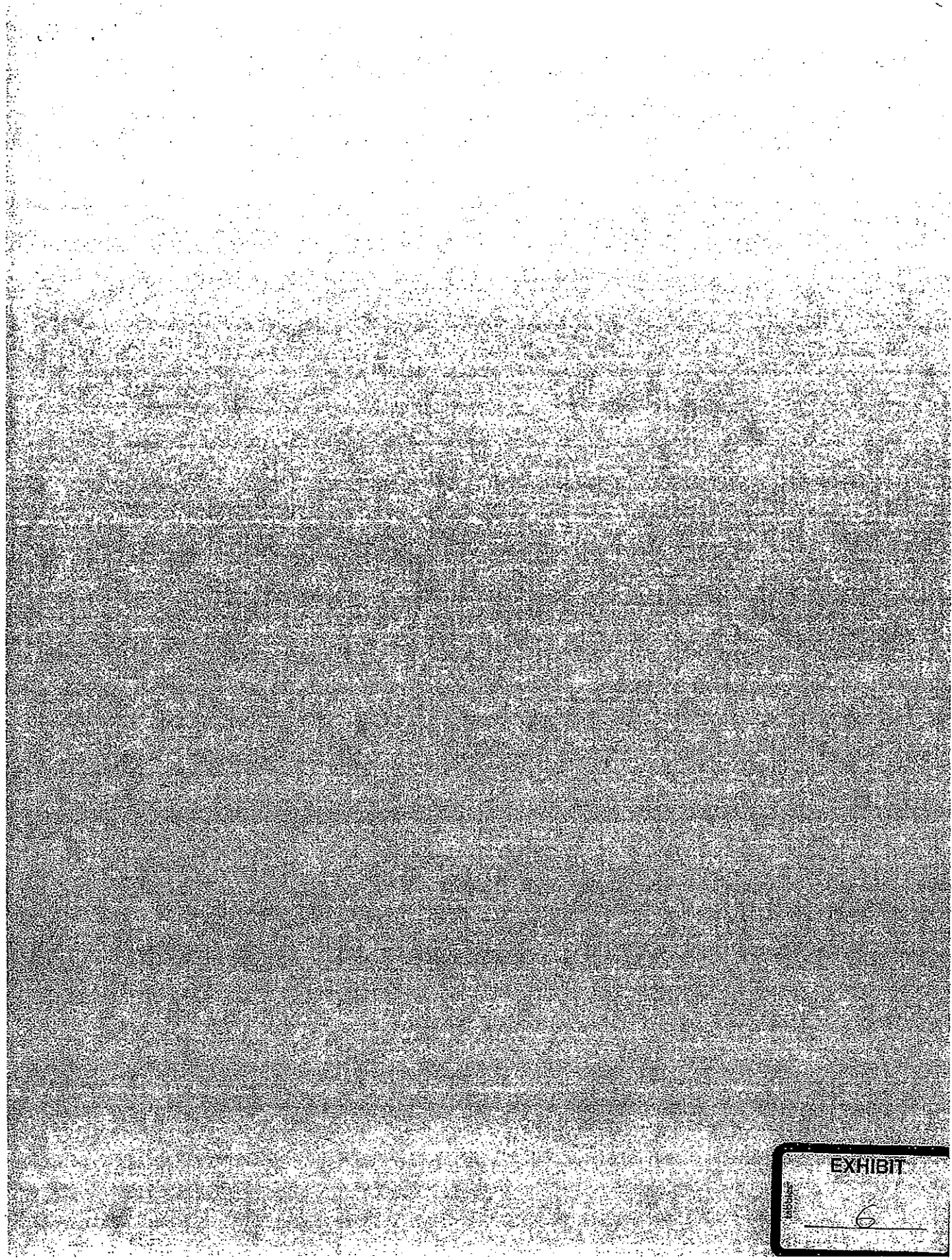
You must be at least 18 years old to work for Dollar General, unless otherwise authorized by Human Resources.

Close relatives may not work in the same store or department. No employee may work under the immediate supervision of a close relative.

Signature

Date

If I am hired, I understand that unless otherwise agreed in writing signed by an officer of the Company, Dollar General employees are not hired for a specific term, and Dollar General or I may terminate my employment at any time with or without cause. No oral representations made by a Dollar General employee with respect to continued employment can alter this relationship.





REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED

REDACTED